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UNCLAS SECTION 01 OF 02 ABUJA 002976

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E.O. 12958: N/A

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SUBJECT: NIGERIA: UPDATE OF THE CHILD LABOR INFORMATION FOR
TRADE AND DEVELOPMENT ACT (GSP) REPORTING REQUIREMENTS

REF: SECSTATE 168607

1. Laws and Regulations Proscribing the Worst Forms of Child Labor: In 2002, President Obasanjo signed the instruments of ratification for ILO Convention 182, Worst Form of Child Labor, Convention 138, Minimum Age for Employment, and Convention 111, Equality of Occupation. Some form of legislation prohibiting child labor has existed in Nigeria since colonial times. Nigeria's 1974 labor decree prohibits children under 15 years from working in commerce and industry and restricts other child labor to home-based agricultural or domestic work. Federal law further stipulates that no person under the age of 16 may be employed more than eight hours per day. Most states have also adopted laws proscribing child labor practices, namely street trading, in the past decade. Youth apprenticeship is permitted under specific conditions. Primary education is compulsory, and the minimum age requirement is consistent with the age for completing educational requirements.

2. Forced or compulsory labor is also outlawed by the 1974 decree. The national labor code addresses hazardous forms of work for all workers. Draft legislation was under review in the National Assembly in 2002 that would make trafficking in persons (including children) a crime; however, no action has so far been taken by the legislature.

3. Laws and Regulations for Implementing and Enforcing Proscriptions against the Worst Forms of Child Labor: Legal remedies available to government enforcement agencies include criminal penalties and civil fines. Enforcement provisions have not been applied successfully and do not deter violations. Where child labor abuses coincide with other criminal offenses, such as rape, authorities may investigate, prosecute, and punish the responsible party for the non-labor violation.

4. Formal Institutional Mechanisms to Investigate and Address Complaints Relating to the Worst Forms of Child Labor: There has been slow but noticeable progress in improving GON capacity to investigate and address abusive child labor practices. The National Labour Advisory Council (NLAC) is responsible for enforcing federal regulations and for receiving and investigating child labor complaints. In 2000, the government exchanged a Memorandum of Understanding with the International Programme on Elimination of Child Labour (IPEC) to fund and develop implementation plans for C. 182 provisions. NLAC, IPEC and UNICEF are coordinating efforts to develop enforcement strategies, the focus of which is awareness and official training activities. The Ministry of Employment, Labour and Productivity recently established a special office for child labor issues.

5. Despite increased institutional momentum and organization, no child labor violation inspections or investigations have resulted in fines, penalties, or convictions to date. A recent trial to prosecute a prominent suspected child trafficker was dismissed when material witnesses failed to testify about the children's identities or the nature of their relationship to the suspect. The extent to which prosecutors investigated the witnesses' motives for their unwillingness to cooperate is unknown.

6. Social Programs Implemented to Prevent the Engagement of Children in, or Assist in Removing Children from, the Worst Forms of Child Labor: Extended school participation is generally acknowledged as the best means to deter child labor. Although primary education is compulsory, this requirement is not rigorously enforced and many primary school aged children work when they should be in the classroom. A source with extensive academic and work experience on child labor issues believes the government's commitment to improving educational access is genuine, although the results of its initiative have not been evaluated. Nongovernmental organizations (NGOs) frequently criticize the government for failing to fund their programs, which they argue could help reduce child participation in the

workforce.

17. Comprehensive Policy or National Program Aimed at Eliminating the Worst Forms of Child Labor: The collective body of domestic labor laws and international conventions ratified this year provides a solid legal foundation to address child labor problems.

18. Progress Toward Eliminating the Worst Forms of Child Labor: Since returning to civilian rule in 1999, Nigeria has made progress addressing child labor abuses. Twenty years ago, child labor issues were virtually ignored by academicians and government officials alike. Within the past decade, awareness of the issue has spread. In the past three years, Nigeria's liberalized political atmosphere has allowed NGOs to grow and more adequately address child labor and other social issues. Recognizing that more needs to be done, new ideas and more energy are being directed to address the most egregious child labor problems. Several high-profile political personalities, including the wife of the President, wife of the Vice-President, and the wives of several State governors, have campaigned on behalf of children, and against prostitution, child labor and trafficking in children.

19. The challenges to progress are formidable. The sixteen years of military rule prior to 1999 left a legacy of increasing child labor practices with limited capacity for governmental enforcement of existing laws. Military enforcement of child labor laws consisted of periodic sweeps and dragnets to arrest child workers but little was done to regulate or deter law-breaking employers. These sweeps usually resulted in an increased number of new child laborers taking the places of those who had been arrested, which had the unintended effect of increasing child labor participation.

110. Increasing poverty and the need to supplement meager family incomes has forced many children into the employment market, which is unable to absorb their labor due to high levels of unemployment. The use of children as beggars, hawkers, etc. in the informal sector is widespread in urban areas. Some families rely exclusively on child breadwinners to survive. In 1999, one study found approximately 100 locations in Lagos with two to three regular child workers. Surveys over the past decade estimate that the number of children working after school has increased from one out of three to two out of three. The average age of child workers has also dropped. Quality of child worker training has decreased as younger workers are trained increasingly by peers nearer their own age rather than by experienced adult laborers. This in turn has increased the risks associated with work.

111. Historical perceptions about social mobility also impede efforts to end child labor. Many rural parents believe that sending their children to work for wealthy urban professionals will significantly improve both their immediate and future living standards. Traditional practice in this respect does not regard child labor as exploitative.

112. Few statistics were available to quantify the success of ongoing anti-trafficking campaigns. Meaningful studies of the extent of child labor are lacking in Nigeria due to several barriers. Accurate measurements take time and resources are unavailable to domestic NGOs or academic researchers. Researchers find it difficult to establish a rapport with working children necessary to investigate their conditions. Child laborers in Nigeria fear the motives of child labor researchers and are a "moving target" for census-takers. Thus, comprehensive analysis of child labor in Nigeria remains elusive.

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